

REMARKS

The only issues remaining in the case are the rejections of claims 1, 6, and 21 under 35 USC § 102(a) by Hill et al., J. Clin. Invest. 102:115-23, 1998 (“Hill”), and of claims 2-5, 7-11 and 22 under 35 § USC 103(a) as obvious over Hill in view of Yang et al., US Patent No. 5,700,664 (“Yang”).

Applicants previously submitted a Declaration under 37 CFR 1.132 by co-inventor James C. Keith (“the Keith Declaration”) to remove Hill as prior art. In the advisory action mailed on August 10, 2004, the Office stated that the Keith Declaration fails to “indicate that the publication is his own work or invention.”(see final Office action mailed on February 17, 2004).

Applicants submit a revised Declaration, which confirms that James Keith (co-author of Hill), Jordan Pober, and Joseph Carroll, are all inventors of the claimed subject matter. Thus, Applicants submit that the claims are now in condition of allowance and such action is respectfully requested.

Enclosed is a petition for extension of time and a check in the amount of the required fee. With this extension, the supplemental Response is due on or before February 17, 2005.

The Commissioner is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 22058-521. A duplicate copy of this Notice is enclosed.

Respectfully submitted,

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